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EXECUTIVE ORDER

IMPLEMENTING THE WASHINGTON ENERGY STRATEGY

WHEREAS, energy is a key component of the Washington State economy, costing citizens and businesses over \$9.2 billion per year; and

WHEREAS, growing demand for energy poses significant economic and environmental challenges to Washington state; and

WHEREAS, increased energy efficiency benefits Washington businesses, government, and citizens by controlling costs, improving environmental quality, and supporting sustainable economic development; and

WHEREAS, in January, 1993, the Washington Energy Strategy Committee adopted its report titled Washington's Energy Strategy, An Invitation to Action, which has detailed principles and policy recommendations that can increase energy efficiency, improve environmental quality, and assure adequate, cost-effective energy supplies to support a robust economy; and

WHEREAS, state government has saved millions of dollars in energy costs through increased efficiency, and further efforts to improve efficiency has the potential to add significant savings;

NOW, THEREFORE, I, Mike Lowry, Governor of the State of Washington, by virtue of the power vested in me, do hereby direct:

1. The Washington Energy Strategy shall be the policy framework for energy decisions made by state agencies.
2. The Washington State Energy Office (WSEO) shall be the lead agency for implementing the Washington Energy Strategy. To ensure efficient coordination, the Director at WSEO shall convene an interagency working group, including at a minimum the Directors of [or] their designees of the departments of Transportation, Ecology, General Administration, Corrections, Community Development, the Superintendent of Public Instruction and the Washington Utilities and Transportation Commission. The working group shall review the recommendations of the Washington Energy Strategy, and shall pursue implementation of the most promising policy alternatives.
3. WSEO shall provide a brief annual report on the status of implementing this executive order.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 13th day of January, A.D., nineteen hundred and ninety-four.

Mike Lowry  
Governor of Washington

BY THE GOVERNOR:

Ralph Munro  
Secretary of State

EXECUTIVE ORDER

ESTABLISHING THE GOVERNOR'S COUNCIL ON  
SCHOOL-TO-WORK TRANSITION

WHEREAS, the state of Washington has provided leadership in its education programs for elementary, secondary, and postsecondary education; and

WHEREAS, the state of Washington has continued to be in the forefront concerning innovative educational programs in the 1990s; and

WHEREAS, these innovative programs have included performance-based education, the Education Reform Act of 1993, the School-to-Work Transition Program, applied academics, TECH PREP, the Task Force on College and University Admissions Standards, integration of vocational and academic programs, and student enrollment options; and

WHEREAS, a skilled workforce is the foundation for economic development and a high standard of living; and

WHEREAS, the state of Washington, like the rest of the nation, lacks a comprehensive and coherent system to help its youth acquire the knowledge, skills, and information about the labor market necessary to make an effective transition from school to career-oriented work; and

WHEREAS, three-fourths of Washington's workers enter the workforce without baccalaureate degrees; and

WHEREAS, there is a dramatic need for an educational system that facilitates transition from secondary to postsecondary education, from education to the world of work, and continued education in the work place:

NOW, THEREFORE, I, Mike Lowry, Governor of the state of Washington, by virtue of the authority vested in me, do hereby establish the Governor's Council on School-To-Work Transition.

- I. The Council is charged with the responsibility to develop an action plan to establish the Statewide School-to-Work Transition System. At a minimum, the system should include:
  - A. The integration of school-to-work transition as an essential part of Washington's education and employment and training systems;

- B. Essential learning requirements and performance-based assessments for secondary students after they receive a Certificate of Mastery;
  - C. Effective working partnerships between education, labor, business (including small business), community-based organizations, and government at all levels;
  - D. An education and training system that is competency- or performance-based with competencies validated by representatives from business, labor, education, government, and the community;
  - E. Statewide, industry-based skills standards that are coordinated with national standards, and the awarding of a skills certificate to students who demonstrate skill competencies;
  - F. Structured work-based learning experiences connected to school-based learning;
  - G. Integration of vocational and academic learning for all students;
  - H. A seamless system of competency attainment and recognition at secondary schools, community and technical colleges, and four-year colleges and universities;
  - I. A process for using labor market information for program planning and for counseling students concerning education and career choices; and
  - J. A process for evaluating the postsecondary education and employment outcomes of former secondary students, and for analyzing the relation of these outcomes to secondary school experiences.
- II. Members of the council shall be appointed by the Governor and shall include representatives of common schools, two-year colleges, four-year colleges and universities, business, labor, community, government, and members of the public.
  - III. The Governor shall designate the Chair of the Council.
  - IV. The Council Chair will establish committees and work groups as may be necessary to carry out the work of the Council. The Chair shall also designate a Vice Chair and provide for the recording of activities and actions taken by the Council.
  - V. The Executive Director of the Council shall be selected by the Governor and shall serve at his pleasure.
  - VI. The Council Shall:

- A. Issue a report to the Governor by within nine months from the effective date of this Executive Order recommending actions needed to implement the school-to-work transition system.
- B. Specify the needed legislation and other actions that should be taken to implement the system; and
- C. Coordinate its work with other education reform and workforce development activities currently taking place in the State of Washington.

VI.[VII.] The Office of Financial Management will provide funds from federal grants for the staffing and support of the Council, with public agencies and private-sector firms loaning staff as may be necessary. The Chair of the Council shall establish a Council budget from these funds. Members of the Council shall receive per diem and travel expenses in accordance with OFM policies.

VII.[VIII.] This Executive Order shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 28th day of January, A.D., nineteen hundred and ninety four.

Mike Lowry  
Governor of Washington

BY THE GOVERNOR:

Ralph Munro  
Secretary of State

EXECUTIVE ORDER

CREATING THE WASHINGTON COMMISSION ON NATIONAL  
AND COMMUNITY SERVICE

WHEREAS, the State of Washington has a long and distinguished history and is a recognized leader at implementing national model efforts that promote the ethic of citizen service; and

WHEREAS, the passage of the National and Community Service Trust Act of 1993 by the Congress requires the Governor to establish a state Commission on Service to be eligible for federal support of national service efforts; and

WHEREAS, the Corporation for National and Community Service has established short timelines for states to develop grant requests; and

WHEREAS, the State of Washington and the Office of the Governor will be active participants in our state and nation's rebirth of national service;

NOW, THEREFORE, I, Mike Lowry, Governor of the State of Washington, by virtue of the power vested in me, do hereby create the Washington Commission on National and Community Service.

I. The Commission is charged with the following duties:

- Comply and implement Title II, Sec. 201-205 of the National and Community Service Trust Act of 1993 pertaining to the State Commission on National and Community Service;
- Seek additional sources of non-federal funds, especially private funds, to meet matching requirements and build upon existing service initiatives;
- Provide recommendations to the Governor including those pertaining to legislative or policy initiatives that promote the ethic of service;
- Initiate activities or projects that expand and promote the concept of service beyond the scope of federal resources available from the Corporation on National and Community Service;
- Provide the leadership and vision with local volunteer organizations, civic and community groups and units of government to make service a part of the lives of all Washingtonians.

- II. The Commission shall have 25 voting members appointed by the Governor including at least one individual with expertise in training youth, one individual with experience promoting volunteerism among older adults, one representative of community-based agencies, the Superintendent of Public Instruction or her designee, a representative of local governments, a representative of labor organizations, a representative of business, a youth, and a representative of a national service program. Other members may include local educators, representatives of Indian tribes, and out of school youths.

The Washington state Director of ACTION, the directors of the Higher Education Coordinating Board, the Department of Community[,] Trade and Economic Development, the Employment Security Department and the Department of Ecology, or their designees shall serve as non-voting members of the Commission.

Members of the Commission shall be appointed to three year terms, however, of the initial appoints, one-third shall be appointed to one year terms, one-third shall be appointed to two year terms and one-third shall be appointed to three year terms.

- III. Commission members shall elect the Chair of the Commission.
- IV. The Executive Director of the Commission shall be selected by the Governor and shall serve at his pleasure.
- V. The Office of Financial Management will provide funds from federal grants for the staffing and support of the Commission. Members of the Commission shall receive per diem and travel expenses in accordance with OFM policies.
- VI. This executive order shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 17th day of February, A.D., nineteen hundred and ninety-four.

Mike Lowry  
Governor of Washington

BY THE GOVERNOR:

Donald F. Whiting  
Secretary of State, ASSISTANT



EXECUTIVE ORDER

COORDINATED WATERSHED PLANNING, IMPLEMENTATION,  
AND RESTORATION FOR FISH AND WILDLIFE

WHEREAS, the 1994 Legislature found that there is a compelling need to provide coordinated planning, implementation and restoration of natural resources, and environmental protection on a watershed basis; and

WHEREAS, the 1994 Legislature found that watershed coordination should, to the greatest extent possible, build upon work that is already being performed by federal, state, tribal, and local governments, private landowners, and other groups; and

WHEREAS, the 1994 Legislature appropriated \$10 million for watershed restoration projects, to be selected by the Department of Fish and Wildlife and the Department of Natural Resources, to protect and restore critical or depressed fish stocks and there is a compelling need to immediately focus on coordinated restoration in priority watersheds for fish and wildlife;

NOW, THEREFORE, I, Mike Lowry, Governor of the state of Washington, by virtue of the power vested in me, do hereby direct:

- I. State agencies under my direction which are involved in watershed-based natural resource management and environmental protection efforts shall coordinate their watershed planning, implementation, and restoration processes.
- II. Watershed planning and implementation efforts shall have as a first priority the restoration and enhancement of habitat, including water quality, for healthy, high priority fish and wildlife populations.
- III. State agencies under my direction, in coordination with the Watershed Coordinating Council established by Engrossed Substitute House Bill No. 2741 of the 1994 Legislative session, shall work under the direction of my office and provide regular reports to me on the status of their coordination efforts relating to watershed-based planning, implementation, and restoration.
- IV. The Watershed Coordinating Council to prepare a report for me and the legislature by December 15, 1995 which (a) identifies those watersheds in the state where goals and objectives have been established and recommends how to facilitate establishment of goals and objectives for other state watersheds, including specific goals and objectives for fish and wildlife; (b) identifies strategies for establishing and funding locally or regionally-based

watershed planning, implementation, and restoration activities; (c) identifies barriers and incentives to encourage local government, tribal, and private landowner cooperation in watershed planning, implementation, and restoration activities; (d) recommends how to integrate fish and wildlife habitat protection with land-use planning and regulation by local governments under the Growth Management Act and Puget Sound Watershed Plans; (e) recommends how to establish a statewide student and citizen watershed protection network; and (f) recommends how to establish a "river keeper" system for Washington watersheds. For the purposes of this section, the Council should work with an advisory committee consisting of interested parties including tribes, affected landowners, the timber industry and the environmental community.

- V. By January 1, 1995, in conjunction with the report required in Section 3 of Substitute Senate Bill No. 6243 of the 1994 Legislative session, the Department of Fish and Wildlife with the Department of Natural Resources (a) shall develop a prioritized list of watersheds needing restoration for fish and wildlife; (b) in conjunction with the State Watershed Council, shall develop a coordinated habitat protection strategy for the top ten percent of priority watersheds which identifies local, private, state and federal roles and, where possible, builds upon already existing locally-based watershed efforts consistent with the state priority list; and (c) develop a process for prioritizing and protecting the remaining watersheds.
- VI. Starting January 1, 1995, and every year thereafter, the Department of Fish and Wildlife in consultation with Department of Natural Resources, and in coordination with the State Watershed Council, shall provide a brief report to me and the appropriate legislative committees on the status of implementing watershed habitat restoration and protection efforts in priority watersheds. These reports shall also include an evaluation of the effectiveness of these protection and restoration efforts.

IN WITNESS WHEREOF, I have hereto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 1st day of April, A.D., nineteen hundred and ninety four.

Mike Lowry  
Governor of Washington

BY THE GOVERNOR:

Ralph Munro  
Secretary of State

EXECUTIVE ORDER

ALLOCATION OF FEDERAL LOW-INCOME HOUSING TAX CREDIT

The Internal Revenue Code of 1986 (the "Code"), as amended, provides for the allocation by states of low-income housing tax credits for the purpose of facilitating the development of rental housing for low-income individuals and families. The Code and regulations interpreting the Code require that the state agency allocating low-income housing tax credits on behalf of a state be specifically authorized by gubernatorial act or state statute to make housing credit allocations and to carry out the related provisions of Section 42(h) of the Code. The Washington State Housing Finance Commission, in accordance with and pursuant to RCW 43.180 et. seq., and Executive Orders 87-10, 90-01, 90-07 and 91-07 has made allocations of the low-income housing tax credit and use of the provisions of the Code for the benefit of the citizens of the state of Washington. Executive Order 87-10, 90-01, 90-07 and 91-07, authorized the Washington State Housing Finance Commission to make the allocation of low-income housing tax credits for calendar years 1987, 1988, 1989, 1990, 1991, 1992, 1993 and 1994.

NOW THEREFORE, I Mike Lowry, Governor of the State of Washington, by virtue of the power vested in me, do hereby order that:

- I. The Washington State Housing Finance Commission (the "Commission") is hereby specifically authorized to make all low-income housing tax credit allocations under Section 42 of the Code on behalf of the State of Washington and to carry out the provisions of Section 42(h) of the Code for low-income credits made available by the federal government.
- II. The Commission shall be authorized to allocate all of the State of Washington's low-income housing tax credit ceiling under Section 42 of the Code, subject to the following limitations and conditions:
  - a. The Commission shall allocate low-income housing tax credits subject to its Program Guidelines and Tax Credit Allocation Plan governing allocation of the low-income housing tax credit, and assure consistency with the State of Washington's Comprehensive Housing Affordability Strategy (CHAS).
  - b. The Commission shall allocate low-income housing tax credits in accordance with the provisions of the Omnibus Budget Reconciliation Act of 1993, and the National Affordable Housing Act of 1990.
  - c. The Commission shall coordinate the development of tax credit policy with the State Department of Community[, ] Trade and Economical [Economic] Development and

the State's Comprehensive Housing Affordability Strategy required under Section 105 of the National Affordable Housing Act of 1990.

- d. The Commission shall report to the Governor and the Legislature on or before February 26 of each year on the use of low-income housing tax credits and include the following information as it relates to the availability and use of such tax credits in the State of Washington: low-income housing tax credits used; the general geographic pattern of use; the sub use of sub-allocations; the percentage of dollar value of credit allocated to specific users; the use by type of financing; and the relationship between the use of low-income housing tax credits under the federal law.
- III. This Executive Order supersedes Executive Order 91-07, dated October 3, 1991, designating the Commission to administer the low-income housing tax credits under the federal law.

IN WITNESS WHEREOF, I have hereto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 2nd day of April, A.D., nineteen hundred and ninety four.

Mike Lowry  
Governor of Washington

BY THE GOVERNOR:

Ralph Munro  
Secretary of State

EXECUTIVE ORDER

ESTABLISHING THE FAMILY POLICY COUNCIL ADVISORY COMMITTEE

WHEREAS, Chapter 7, Laws of 1994, First Special Session (Engrossed Second Substitute House Bill 2319) provides for the restructuring of Washington state's family services system; and

WHEREAS, the purpose of restructuring the family services system is to improve outcomes for our children, youth, and families by moving toward a system that is collaborative, locally managed, and outcome-based; and

WHEREAS, the Washington State Family Policy Council has been given the responsibility at the state level for implementing family services restructuring; and

WHEREAS, the successful implementation of family services restructuring will require high levels of communication and coordination among a diverse array of governmental and stakeholder interests;

NOW, THEREFORE, I, Mike Lowry, Governor of the State of Washington, do hereby authorize the creation of the Washington State Family Policy Council Advisory Committee:

I. Formation of Advisory Committee and Membership:

- A. The committee shall comprise at least 18 members, but not more than 23 members, of which a majority shall constitute a quorum. Members shall be appointed by the Family Policy Council. A chairperson shall be designated by the members of the committee. The term of the membership shall be three years, with the exception that initial appointments shall be staggered to assure continuity of the committee: one third shall be appointed for a one-year term; one third shall be appointed for a two-year term; and one third shall be appointed for a three-year term. If a member resigns before completing a term, the council may appoint a new member to serve out the remainder of that term.
- B. To achieve balanced membership on the committee, the council shall make appointments considering geographic representation, gender, ethnic and cultural diversity, as well as individuals with disabilities.
- C. The committee shall include: at least two chief executive officers of major Washington state corporations; at least two members, one each from the eastern and western areas of the state, of local Community Public Health and Safety Networks; and, at least one youth.

D. In addition, the committee shall include at least one member who has relevant experience in one of each of the following areas:

1. City or township government;
2. County government;
3. Federally recognized Indian tribes;
4. School districts;
5. Existing children's commissions;
6. Law enforcement;
7. Superior courts;
8. Public parks and recreation programs;
9. Private agency service providers;
10. Community organizations not associated with the delivery and services affected by E2SHB 2319;
11. Juvenile justice;
12. Labor organizations; and
13. Youth training and employment.

## II. Role of the Committee:

- A. To review, analyze, and advise the Family Policy Council on its responsibilities under E2SHB 2319;
- B. To advise the council regarding its biennial review and recommendations on federal and state programs as provided in section 308 of the legislation;
- C. To advise the council on the establishment of network boundaries;
- D. To review and comment to the council on its role relative to the establishment of risk and protective factors; and
- E. To perform other functions and duties related to family services restructuring as requested by the council.

## III. Meetings and other Business:

- A. The committee shall convene at the request of the Family Policy Council, and not less than four times a year.
- B. The Department of Social and Health Services, in collaboration with the other state agencies represented on the council, shall develop a plan for the provision of such resources as may be necessary to carry out the functions of the committee.
- C. Members may be reimbursed for the reasonable and necessary expenses of attending committee meetings and performing committee duties.

This order shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 17th day of May, A.D., nineteen hundred and ninety-four.

Mike Lowry  
Governor of Washington

BY THE GOVERNOR:

Ralph Munro  
Secretary of State

EXECUTIVE ORDER  
ON REGULATORY REFORM

**I. Introduction**

- A. Purpose. This executive order is adopted to increase public confidence in agency rule making activities, to improve coordination among state agencies, to improve the efficiency and effectiveness of regulatory programs, and to avoid imposing undue burdens on business, the public, local governments, and state agencies. Except as otherwise provided herein, this Executive Order supplements Executive Order 93-06 and provides state agencies guidance in meeting their regulatory objectives. It is the purpose of this Executive Order to:
1. Reinforce the accountability of agency directors to the Governor for the regulatory actions of their agencies.
  2. Provide better information to the Governor, the Legislature, and the public about the implementation of agency regulatory programs.
  3. Establish factors for agencies to consider during the rule making process.
  4. Encourage voluntary compliance with statutes and rules through the provision of technical assistance.
  5. Protect the public health and safety and the environment, promote the state's economy, and maintain the quality of life of the citizens of the state.
- B. Philosophy of Regulation. Agency regulation is intended to benefit both the public and those who are affected by the rules. The effective use of regulation assures equal treatment for the regulated community. The use of rules provides that agency policies are made in a public setting. Ineffective regulation can result in time-consuming and expensive procedures providing little public or private benefit. In order to further the effective use of regulation, the following principles shall guide agencies in their program implementation:
1. Agencies should focus, within the constraints imposed by statutory requirements, on those issues posing greater risks to the public or from which the public can expect to receive greater benefits.
  2. Agencies should attempt to use less intrusive methods of achieving desired outcomes.
  3. Agencies should be open to reasonable alternative methods of achieving regulatory objectives.



4. Agencies should approach their regulatory duties assuming that most individuals and businesses who are subject to regulation will attempt to comply with the law, particularly when they are given sufficient information. In this context, enforcement assures that the majority of a regulated community who do intend to comply with the law are not placed at a competitive disadvantage.
  5. Agencies should develop methods to determine whether regulatory programs are meeting program objectives.
  6. In addition to an agency director's legal responsibility over agency operations, each agency director shall be responsible to the Governor for assuring that the spirit and intent of this Executive Order are carried out.
- C. Effect on Quasi-judicial Boards. The provisions of this Executive Order do not apply to a quasi-judicial board or commission as it relates to its adjudicatory proceedings.

## **II. Planning**

- A. Each state agency shall prepare an annual fiscal year agenda for significant rules under development. The agenda shall be adopted not later than June 30. The agenda shall be made available upon request to any person and shall be published by the agency in the Washington State Register. The agenda shall also be submitted to the director of the Office of Financial Management and to any other state agency which may reasonably be expected to have an interest in the subject of rules which will be developed.
- B. Paragraph A. of Section V. of EO 93-06, directing state agencies to adopt a list of potential rule making activities, is rescinded.

## **III. Office of Financial Management Review Procedures**

- A. Quarterly Reports to the Office of Financial Management. State agencies shall submit to the Office of Financial Management each quarter a report of their rule adoption activities for the prior quarter. The report shall be provided to the Office of Financial Management in the manner and format required by the Office of Financial Management and shall include at least the following information for new, amended, and repealed rules:
1. The number adopted, proposed for adoption, and proposals withdrawn.
  2. The number adopted as emergency rules.
  3. The number adopted in order to comply with federal statute, with federal rules or standards, and with recently enacted state statutes.
  4. The number adopted at the request of a non-governmental entity.
  5. The number adopted on the agency's own initiative.
  6. The number adopted in order to clarify, streamline, or reform agency procedures.

7. The number of petitions for review of rules received by the agency.
  8. The number of rules appealed to superior court.
  9. The number adopted using negotiated rule making, pilot rule making, or other alternative rule making mechanisms.
  10. Any other summary information required by the director of the Office of Financial Management.
  11. For purposes of the report required by this section, each Washington State Register filing shall be considered as a separate rule.
- B. When an agency commences a significant rule making activity, as determined by the agency, it shall provide a copy of its notice of intent, required by RCW 34.05.310(1), to the director of the Office of Financial Management and to other state agencies that may have an interest in or be affected by the rule making.
- C. If a state agency director believes that another state agency is engaging in rule making activities which may potentially conflict with its rules or policies, the agency director shall notify the other agency and the director of the Office of Financial Management of his or her concern.
- D. Agencies shall attempt to resolve disputes among themselves using the procedures established in EO 93-06 and RCW 34.05.310. If agencies are unable to resolve a dispute within a reasonable period of time, the director of the Office of Financial Management shall collect appropriate information concerning the dispute and, in the director's discretion, either resolve the dispute or inform the Governor of the nature of the dispute and provide a recommendation for resolution.

#### **IV. Regulatory Fiscal Note**

- A. The Office of Financial Management shall revise the fiscal note form to include the following information on each bill for which a fiscal note is prepared: whether new rules are required or existing rules must be amended in order to implement the legislation, the approximate cost involved in developing those rules, the types of entities which may potentially be affected by the legislation, and whether other agencies have authority over the same subject matter.
- B. In its review of agency request legislation prepared for introduction in the 1995 legislative session, the Office of Financial Management shall review the legislation to ensure that any proposed delegation of rule making authority is clear in its intent.

#### **V. Rule Adoption Factors**

- A. As early in the rule-development process as possible, but not later than the time a rule is published for comment and adoption as a permanent rule, an agency, based on reasonably available information, shall consider and prepare a written analysis of the proposed rule addressing the following:

1. The objective of the rule.
  2. Whether changes to other rules or statutes would achieve the same objective.
  3. How the provisions of the proposed rule will be coordinated with other rules of the agency and rules of other state agencies, local governments, and the federal government.
  4. Whether it has chosen a reasonable, cost-effective manner to achieve the regulatory objective.
  5. The anticipated environmental and fiscal consequences of adopting and not adopting the proposed rule, recognizing the difficulty of quantifying some consequences.
- B. The agency shall identify and assess alternative forms of regulation and, where appropriate, shall specify performance standards in addition to standards for behavior and manner of compliance.
- C. If a rule proposed in order to comply with federal law contains significant differences from a comparable federal rule or standard, or if a proposed rule provides differences in application to public and private entities, the agency shall provide a written analysis explaining the nature of the differences, evaluating their consequences, and providing a rationale for adopting the rule as drafted.
- D. An agency shall include the written analyses required by Part V in the rule making file and shall make the analyses available to any person upon request. The analyses shall be updated based on additional information received by the agency during the rule making process.
- E. An agency is encouraged, but not required, to comply with this Part V when adopting an emergency rule under RCW 34.05.350.

## **VI. Voluntary Compliance through Technical Assistance**

- A. To the maximum extent feasible, within the limits of an agency's current budget and consistent with statutory requirements, an agency with regulatory enforcement authority shall promote voluntary compliance with state and federal law enforced by the agency and the agency's rules through the provision of technical assistance, including technical assistance visits.
- B. For purposes of this Executive Order, technical assistance includes:
1. Information on the laws, rules, compliance methods, and technologies applicable to the agency's programs;
  2. Information on methods to avoid compliance problems;
  3. Assistance in applying for permits; and
  4. Information on the mission, goals, and objectives of the program.

- C. For the purposes of this Executive Order, a technical assistance visit is a visit of an agency employee to a facility, business, or other location that is declared by the agency employee at the beginning of the visit to be a technical assistance visit.
- D. During a technical assistance visit, an agency employee shall inform the owner or operator of the facility of any violations of law or agency rules and provide technical assistance concerning compliance.
- E. Except as provided in Paragraph G:
  - 1. A technical assistance visit shall not be regarded as an inspection or investigation; and
  - 2. The owner or operator shall be given a reasonable period of time to correct violations before any penalty or sanction is imposed for those violations.
- F. An agency may reinspect a facility within a reasonable period of time after a technical assistance visit and take appropriate enforcement action for any uncorrected violations.
- G. An agency employee who observes a violation during a technical assistance visit may take immediate enforcement action if:
  - 1. The violation places a person in danger of death or bodily harm, is causing or is likely to cause more than minor environmental harm, presents a risk to worker or public health and safety, or is causing or is likely to cause physical damage to the property of others in an amount exceeding one thousand dollars; or
  - 2. The person has previously been subject to an enforcement action for the same violation.

## **VII. Effective Dates**

- A. The application of this Executive Order is prospective only.
- B. For fiscal year 1995, the agenda required by Part II shall be adopted not later than August 31, 1994.
- C. An agency is encouraged, but is not required, to comply with the provisions of Part V of this Executive Order for any rule which is proposed for adoption by filing in the Washington State Register prior to July 31, 1994.
- D. Agencies shall report the information required by Part III., Paragraph A, beginning with the calendar quarter ending September 30, 1994.

This order shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia on this 6th day of June, A.D., nineteen hundred and ninety-four.

Mike Lowry  
Governor of Washington

BY THE GOVERNOR:

Ralph Munro  
Secretary of State

## EXECUTIVE ORDER

### ESTABLISHING THE COUNCIL ON FAMILIES, YOUTH AND JUSTICE

#### **I. Introduction**

The quality of our state's future depends upon the strength of our families and upon our ability to ensure the safe, healthy, and disciplined development of our children.

Over the past twenty years, increasing numbers of young people have found themselves facing problems many adults can scarcely imagine; hard-core substance abuse, delinquency, school failure, teen pregnancy and deadly violence have become almost common place in our children's schools and in their lives.

In 1977, the Washington legislature passed the Juvenile Justice Act, adopting laws relating to juvenile offenders, family reconciliation, youth at risk, and dependency proceedings for children whose parents may not be meeting their obligations.

That year marked the last major revision of Washington's juvenile laws. Since then, the lives of our state's children and youth have changed dramatically, as evidenced by the following:

- the number of suspected child abuse and neglect cases reported to Child Protective Services has doubled in the past six years;
- the number of children in out-of-home care has increased by 30 percent in the past 10 years;
- the rate of teen pregnancy increased by 19 percent between 1988 and 1991;
- the use of cocaine among young people increased by almost 400 percent between 1985 and 1992;
- 13 percent of our 11 to 18 year olds are presently in need of treatment for alcohol and other drug problems;
- almost 27 percent of our youth fail to complete high school; and
- the number of young people arrested for violent crimes has almost doubled since 1982.

Since 1977, in an effort to address the needs of the growing number of young people in trouble, the legislature has enacted several additional laws relating to children, youth, and families. However,

there has not been a comprehensive review of the 1977 Juvenile Justice Act and these later laws to determine whether their objectives and assumptions remain valid in light of the vastly different lives and problems of today's children and families, to assess their relationship to one another, or to determine their effectiveness in meeting their objectives.

## **II. Council on Families, Youth, and Justice**

WHEREAS, the citizens of Washington rightfully expect that our juvenile system will protect our children and youth from abuse and neglect, assist troubled families, emphasize parental involvement and accountability, help prevent delinquent behavior, provide swift and certain punishment, and ensure public safety;

NOW, THEREFORE, I, Mike Lowry, Governor of the State of Washington, by virtue of the power vested in me, do hereby establish the Council on Families, Youth, and Justice.

The mission of the Council is to perform a comprehensive review of Washington's juvenile laws and to recommend modifications to these laws that will result in an integrated juvenile system that is effective in meeting its objectives, as well as in meeting the needs of the children, youth, and families it serves, and that will result in the prudent use of limited state resources. The Council's mission also includes the development of a state-wide strategy for preventing children and youth from entering the juvenile system.

The Council shall be composed of four work groups, as follows: (1) Juvenile Offenders Work Group; (2) Youth in Crisis Work Group; (3) Dependency Work Group; and, (4) Prevention Strategies Work Group. The Governor shall appoint a chair for each work group. The four work group chairs shall serve as co-chairs of the Council. The work groups shall be composed of at least 10, but not more than 17, members. The membership of each work group shall be appointed by its chair, subject to the approval of the Governor. The membership shall be ethnically, racially, and geographically diverse, and shall include persons with relevant expertise and/or broad-based experience.

## **III. Responsibilities of the Council**

A. The Council shall have the following responsibilities:

1. Conduct a comprehensive review of Washington's juvenile laws, including but not limited to those relating to juvenile offenders, dependency/termination proceedings, family reconciliation, at-risk youth, juvenile records, involuntary treatment, compulsory school attendance, and sexually aggressive youth, to determine whether the laws' objectives and assumptions continue to be valid, to assess their relationship to each other and how they can be better integrated, and to identify impediments in the laws that inhibit their effectiveness in meeting their objectives. As part of its review, the Council shall evaluate the fiscal impact of the current system.
2. Develop a state-wide strategy for preventing children and youth from entering the juvenile system. The strategy shall include approaches for identifying, developing,

maximizing and allocating resources for prevention activities and for identifying and disseminating effective prevention practices, programs and services. In addition, the strategy shall specifically acknowledge the reform of the state's health care system and the decentralization of the state's family services system, as set forth in E2SHB 2319 (Chapter 7, Laws of 1994, 1st Special Session). The strategy shall define the proper role of the state in relation to these reforms and shall determine how the state can best promote and complement them.

B. The specific responsibilities of the work groups are:

1. The Juvenile Offenders Work Group shall review the juvenile offender statutes for their effectiveness in: a) deterring first-time and minor offenders from further criminal activity; b) providing appropriate offenders with meaningful opportunities for rehabilitation, together with adequate sanctions for those offenders who fail to rehabilitate; and c) imposing penalties that are reasonably proportionate to particularly serious crimes and to persistent patterns of criminal behavior.
  2. The Youth in Crisis Work Group shall review the laws relating to youth in crisis for their effectiveness in: a) keeping runaway, truant, and substance abusing youth off the streets while ensuring their safety at home, or where appropriate, in an alternative placement; and b) connecting these youth and their families with timely and appropriate services.
  3. The Dependency Work Group shall review the dependency/termination laws for their timeliness and effectiveness in: a) protecting children in appropriate cases; b) reuniting families; and c) placing children in permanent homes when reunification is not in the child's best interests.
  4. The Prevention Strategies Work Group shall review past and present state prevention efforts, along with recent state reforms, to determine the state's proper role in promoting and supporting prevention activities across the state.
- C. In carrying out its responsibilities, the Council shall review previous studies and the efforts of other groups and organizations, including the Juvenile Issues Task Force and the Governor's Juvenile Justice Advisory Council. In addition, the Council shall coordinate with the Special Legislative Task Force on the Juvenile Justice Act.
- D. Prior to adopting its final recommendations, the Council shall present its preliminary recommendations to the special Legislative Task Force on the Juvenile Justice Act and to the public for comment.
- E. The Council shall submit a report containing final recommendations for legislation to the Governor, the Attorney General, and the Legislature by December 1, 1994. The recommendations shall reflect consideration of their fiscal impact.



- F. The Council shall complete its responsibilities prior to the end of the 1995 legislative session and shall expire following the last day of that session.
- G. The Office of Financial Management, in collaboration with the Attorney General's Office and other state agencies participating in the work of the Council, shall develop a plan for the provision of such resources as may be necessary to carry out the functions of the Council. Members of the Council may receive per diem and travel expenses in accordance with OFM policies.

This Executive Order is effective immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 21st day of June, A.D., nineteen hundred and ninety-four.

Mike Lowry  
Governor of Washington

BY THE GOVERNOR:

Donald F. Whiting  
Secretary of State, ASSISTANT

EXECUTIVE ORDER

REESTABLISHING THE GOVERNOR'S COUNCIL ON SUBSTANCE ABUSE  
AND SUPERSEDING EXECUTIVE ORDER 91-03

WHEREAS, there are significant economic, social and human costs associated with the misuse and abuse of alcohol and other drugs in Washington State, for which there are no simple solutions; and

WHEREAS, to reduce these costs will require individuals, families, and communities working in partnership with government, private industry, law enforcement, and schools to create innovative and coordinated solutions to the problem;

NOW, THEREFORE, I, Mike Lowry, Governor of the State of Washington, by virtue of the authority vested in me, do hereby reestablish the Governor's Council on Substance Abuse as follows:

1. The Council shall be composed of twenty-five members. Fifteen members of the Council shall be appointed by the Governor and shall represent private industry, local and tribal government, treatment providers, community groups, educators, and law enforcement. The directors (or director's designee) of the Department of Social and Health Services, the Department of Community, Trade and Economic Development, the Department of Health, the Department of Corrections, the Chief of the State Patrol (or designee) and the Superintendent of Public Instruction (or designee) shall serve as members of the council. The membership shall also include four legislators, two from the Senate and two from the House of Representatives, to be appointed by their respective caucuses.

The terms of members appointed by the Governor shall be three years, except initial appointments shall be one, two, or three years. The Governor shall appoint the chair.

A majority of the Council shall constitute a quorum, and a majority of those present can approve Council action.

2. The Council shall have the following responsibilities:
  - A. Develop recommendations for a state and local strategy on substance abuse and seek community involvement on issues relating to the strategy, such as public safety and health.
  - B. Advise the Governor on substance abuse issues.
  - C. Review and develop recommendations regarding state, local, and federal funding of substance abuse programs.

- D. Consult with and advise the Family Policy Council established in Ch. 198, Laws of 1992, on substance abuse issues.
  - E. Provide policy recommendations to state agencies on alcohol and other drug issues.
3. The Department of Community, Trade and Economic Development shall provide such administrative support and resources as may be necessary to carry out the functions of the Council. The Washington Interagency Network on Substance Abuse (WIN) shall serve as a resource to the Council. Members of the Council may receive per diem and travel expenses in accordance with OFM policies.
4. This Executive Order supersedes Executive Order 91-03, which is hereby rescinded.

This Executive Order shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia on this 25th day of July, A.D., nineteen hundred and ninety-four.

Mike Lowry  
Governor of Washington

BY THE GOVERNOR:

Ralph Munro  
Secretary of State

EXECUTIVE ORDER

ESTABLISHING THE GOVERNOR'S TELECOMMUNICATIONS POLICY  
COORDINATION TASK FORCE

WHEREAS, business, the public, and government all depend on efficient and affordable telecommunications services; and

WHEREAS, businesses manufacturing telecommunications equipment and providing telecommunications services are an important part of the state's economy; and

WHEREAS, the State of Washington must have integrated and consistent policies regarding the various sectors of the telecommunications industry to ensure that the industry can meet the current and future needs of the citizens and businesses of the state; and

WHEREAS, many of the state's policies relating to telecommunications were developed prior to the recent changes in telecommunications technology; and

WHEREAS, the convergence of telecommunications, cable television, wireless communications, and other information industries are providing increased opportunity for access to government information and services and for citizen participation in government;

THEREFORE, I, Mike Lowry, Governor of the State of Washington, by virtue of the power vested in me, do hereby establish the Governor's Telecommunications Policy Coordination Task Force.

1. The Task Force shall consist of ten members as follows: The director of the Department of Revenue, who shall serve as the chair of the Task Force; the directors of the Department of Information Services, the Office of Financial Management, and the Department of Community, Trade and Economic Development; the chair of the Utilities and Transportation Commission; a representative of the Governor's office; and, four legislators, two from the House of Representatives and two from the Senate, to be appointed by their respective caucuses.
2. The Task Force shall review, and where appropriate make recommendations on state telecommunications and information policies relating to the various sectors of the telecommunications industry, and identify any gaps or inconsistencies in those policies. This review shall include the following elements:
  - a. An assessment of economic trends and factors affecting growth and development in the various sectors of the state's telecommunications industry and an assessment of

the role of telecommunications in the state's economic development. This should include a review of the state's current telecommunications infrastructure, trends in the demand for telecommunications services, and factors affecting future development, as well as an examination of policies which may enhance the economic development of the telecommunications industry and the development of the state's telecommunications infrastructure.

- b. An assessment of the tax structure as it applies to telecommunications industry in the state and an analysis of the comparable tax burdens among telecommunications sectors. If any inconsistencies in tax structure or burdens are identified, the Task Force shall recommend policies for fair and equitable tax application.
  - c. An assessment of the effect of information policy on individual rights of privacy, including an examination of the accuracy, integrity, and security of data bases maintained by both public and private entities.
  - d. An assessment of the effect of technological development on consumer rights, including an analysis of how to promote equity and diversity and to maintain reasonable levels of service to geographically remote areas and to the economically disadvantaged.
  - e. An assessment of the role of telecommunications in state government and the use of telecommunications technology by government to provide services more effectively and to promote more efficient use of public resources. This should include an examination of the potential for increasing the use of telecommuting and for delivering government services to remote locations using telecommunications technology.
  - f. An assessment of the state and local regulatory framework in light of changing federal policies and the convergence of telecommunications, cable television, wireless communications, and other information industries.
  - g. An assessment of the appropriate role for government in the development of the telecommunications infrastructure, including an examination of the role of public private partnerships and the appropriate conditions imposed on the use of public rights of way.
- 3. The Task Force shall appoint Advisory Groups with representation from private industry, state and federal agencies, consumers, local government, public schools, institutions of higher education, and the general public, as necessary for the solicitation of information and advice.
  - 4. The Task Force shall not have control or authority over state agencies or existing statutory or ad hoc committees, but shall work collaboratively with these entities in developing its report and recommendations.

5. The agencies represented on the Task Force shall provide staffing and administrative support to the Task Force.
6. The Task Force shall provide a final report and recommendations to the Governor and the Legislature by November 1, 1995, and shall provide interim reports as needed.

This order shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 13th day of September, A.D., nineteen hundred and ninety-four.

Mike Lowry  
Governor of Washington

BY THE GOVERNOR:

Donald F. Whiting  
Secretary of State, ASSISTANT

EXECUTIVE ORDER

ESTABLISHING A STATE ADVISORY COUNCIL ON HOMELESSNESS AND  
SUPERSEDING EXECUTIVE ORDER 91-01

WHEREAS, an increasing and unacceptable number of Washington citizens are homeless or at risk of becoming homeless; and

WHEREAS, the factors that contribute to homelessness are many and complex, including a lack of affordable housing, a shortage of family wage jobs, the presence of domestic violence, a shortage of special needs housing with support services, the problems of alcoholism, substance abuse, and mental illness and the growing number of troubled youth; and

WHEREAS, private businesses, charitable organizations, cities, counties, the federal government, the state of Washington and private citizens are investing resources to assist people who are homeless and to prevent homelessness, recognizing that homelessness is a multifaceted problem requiring coordination of resources and efforts from the private sector and from all levels of government;

NOW THEREFORE, I, Mike Lowry, Governor of the state of Washington, by virtue of the authority vested in me, do hereby re-establish a State Advisory Council on Homelessness as follows:

1. The Council shall consist of not more than 20 members, appointed by the Governor, who represent private businesses, nonprofit organizations that provide services to homeless people, public housing authorities, cities, counties, the federal government, youth and at least one person who is, or has been, homeless.

Membership will also include the directors or designees of the Department of Community, Trade, and Economic Development; the Department of Social and Health Services; the Employment Security Department; the Department of Health; the Department of General Administration; the Department of Veterans Affairs; the Department of Corrections; the Office of Financial Management; the State Board of Community and Technical Colleges; and the Office of the Superintendent of Public Instruction. State agency directors shall name designees who have the authority to make policy or to implement changes. A member of the Governor's Executive Policy Staff shall also serve on the Council.

The members of the Council who do not represent state agencies shall be appointed for four-year terms. The terms of six initial appointees shall be for two years, and the terms of six shall be for three years.

2. The Governor shall appoint the chair of the Council. A vice chair shall be selected by the Council from among the members. Members shall serve without compensation except for reimbursement for travel expenses in accordance with Department of Community, Trade, and Economic Development policies. Staffing to the Council shall be provided by the Department of Community, Trade, and Economic Development with assistance from member state agencies.
3. Each state agency shall cooperate with the Council and furnish it with such information as necessary to meet the responsibilities spelled out below.
4. The Council shall meet at least quarterly in a location agreed upon by the members and the Department of Community, Trade, and Economic Development.
5. The Council shall carry out the following responsibilities:
  - a. Make annual policy recommendations to the Governor and to the Affordable Housing Advisory Board on ways to enhance the state's ability to respond to the needs of people who are homeless, who are at risk of becoming homeless, or who have been homeless. As part of the recommendation process, the Council will review the status of actions recommended in the 1990 report of the Governor's Task Force on Homelessness.
  - b. Increase the awareness of homelessness issues at state and local government agencies and local organizations that provide services to people who are homeless, and promote training for employees to better serve people who are homeless, who are at risk of becoming homeless, or who have been homeless.
  - c. Provide the opportunity for an integrated state agency approach regarding the issue of homelessness, and promote interagency cooperation in distributing public information to educate the general public about the needs of people who are homeless, and provide homeless people and service providers with current information about available resources.
  - d. Promote the public will to end homelessness.
6. This Executive Order shall take effect immediately, and shall supersede Executive Order 91-01, which is hereby rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 14th day of December, A.D., nineteen hundred and ninety-four.



Mike Lowry  
Governor of Washington

BY THE GOVERNOR:

Donald F. Whiting  
Secretary of State, ASSISTANT